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SUBJECT: EGYPT EXTENDS EMERGENCY LAW

REF: CAIRO 971

EGYPT EXTENDS EMERGENCY LAW

1.(SBU) On May 26, following a single day of debate, Egypt's Parliament voted to extend the Emergency Law, in place continuously since 1981, for an additional two years. The vote count was 305 in favor and 103 opposed, with the 87 Moslem Brotherhood affiliated and small number of independent and secular opposition members of Parliament voting against the extension. The Emergency Law permits indefinite detentions without trial, the use of military tribunals to adjudicate cases involving civilians, and may be used to limit freedoms of speech and association. Egypt's Parliament last extended the Emergency Law on April 30, 2006, an extension that was due to expire on May 31, 2008.

2.(SBU) In his 2005 re-election campaign platform, President Mubarak pledged that the Emergency Law would be replaced by a comprehensive Counter-Terrorism Law. A government inter-agency drafting committee has reportedly been working on the Counter-Terrorism Law (reftel), and as recently as February 2008, Egypt's Minister for Parliamentary Affairs Mufeed Shehab announced that the law would be issued "on-time," presumably referring to the then May 31, 2008 expiration date for the Emergency Law. There is now no indication when the draft Counter-Terrorism law, the text of which has not been released publicly, will be sent to Parliament or become law.

Suggested Press Guidance

3.(SBU) Question: What is your reaction to Egypt's extension of the Emergency Law, which has been in place for almost three decades?

Answer: We are disappointed the Government of Egypt has extended the Emergency Law because it has not enacted its draft counter-terror law. President Mubarak committed to lifting the Emergency Law in 2005. New counter-terrorism legislation and the abolition of the Emergency Law was envisioned in the Constitutional Amendments ratified in 2007. While we in the United States understand legislative delays, we look forward to the lifting of the Emergency Law and its replacement with a counter-terrorism law that better protects Egypt from terror and also ensures due process protection for criminal suspects.

Background: President Mubarak has extended the Emergency Law, which has been in continuous effect since 1981. We understand that the Egyptian government is preparing a counter-terrorism law to replace the Emergency Law but was unable to complete its work before the end of the current

parliamentary session. President Mubarak committed to lifting the Emergency Law in the run-up to his re-election in 2005. In 2007, the Egyptian Parliament amended the constitution, including a revision to the articles affecting crime and punishment. The Egyptian Government regarded these amendments as a pre-condition for replacing the current Emergency Law with a counter-terrorism law based on European and other western statutory models.

SCOBAY